

UNITED STATES DISTRICT COURT

District of Massachusetts

Pittsfield Generating Company, L.P.

SUMMONS IN A CIVIL CASE

V.

Devon Canada Corporation

CASE NUMBER:

04 - 30128 - MAP

TO: (Name and address of Defendant)

Devon Canada Corporation
1600 324-8th Avenue S.W.
Calgary, Alberta Canada

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert J. Muldoon, Jr.
Sherin and Lodgen LLP
101 Federal Street
Boston, Massachusetts 02110

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

DATE

(By) DEPUTY CLERK

July 8, 2004

**REQUEST FOR SERVICE ABROAD OF JUDICIAL
OR EXTRAJUDICIAL DOCUMENTS**

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Identity and address of the applicant:

Robert J. Muldoon, Jr.
Sherin and Lodgen LLP
101 Federal Street
Boston, MA 02110
United States of America

Counsel for plaintiff,
Pittsfield Generating Company, L.P.

Address of receiving authority:

Attorney-General for Alberta
Att: Executive Director-Court Services
9833-109th Street
Edmonton, Alberta
Canada T5K 2E8

The undersigned applicant has the honour to transmit-in duplicate- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

Devon Canada Corporation
1600 324-8th Avenue S.W.
Calgary, Alberta Canada

in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.

The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes—with a certificate as provided on the reverse side.

List of documents:

Summons, United States District Court, District of Massachusetts, Civil Action
No. 04-30128-MAP
Complaint

Done at Boston, Massachusetts, the thirteenth day of July, 2004.

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, the 15th of November 1965.

(article 5, fourth paragraph)

Name and address of the requesting authority:

Robert J. Muldoon, Jr.
Sherin and Lodgen LLP
101 Federal Street
Boston, MA 02110
United States of America

Counsel for plaintiff,
Pittsfield Generating Company, L.P.

Particulars of the parties:

Plaintiff,

Pittsfield Generating Company, L.P.
235 Merrill Road
Pittsfield, MA

Defendant,
Devon Canada Corporation
1600 324-8th Avenue S.W.
Calgary, Alberta Canada

JUDICIAL DOCUMENT

Nature and purpose of the document:

To inform defendant Devon Canada Corporation that a lawsuit has been filed against it in the United States District Court for the District of Massachusetts, Civil Action No. 04-30128-MAP.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Plaintiff Pittsfield Generating Company, L.P. has filed a complaint against defendant Devon Canada Corporation seeking a declaration of its rights and obligations under a Natural Gas Purchase and Sale Agreement with defendant Devon Canada Corporation.

Date and place for entering appearance:

Defendant Devon Canada Corporation must serve an answer to plaintiff Pittsfield Generating Company's complaint upon plaintiff's counsel within 20 days after service of the complaint and must file said answer with the clerk of the United States District Court for the District of Massachusetts within a reasonable period of time after service.

CERTIFICATE

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,

1) that the document has been served

- the (date)

..... *July 28, 2004*

- at (place, street, number)

..... *2000 - 400 - 3 Ave S.W., Calgary, Alberta*

in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.

The documents referred to in the request have been delivered to:

- (identity and description of person)

..... *Female, Blonde hair mid 40's 5'8" 130 lbs*

- relationship to the addressee (family, business or other)

..... *Business Front desk*

2) that the document has not been served, by reason of the following facts:

.....

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement.

Annexes

Terrin Rucy

Documents returned:

.....

Done at *Calgary, Alberta* the *29th of July, 2004*.

In appropriate cases, document establishing the service:

.....

..... *MacLean* Signature and/or stamp.